

## REMARKS

### *Claim Amendments*

By way of the above amendment, claims 1-7 and 10-14 have been cancelled, claims 8, 9 and 15-20 have been amended and claims 21-24 have been added. Antecedent basis for new claims 21 and 22 may be found throughout the specification, for example on page 6, lines 3-10. Accordingly, no new matter has been added.

### *Drawings*

The Examiner objected to the drawings, in paragraph 1, for failing to disclose the subject matter of claim 2. The claim has been cancelled. Accordingly, the objection to the drawings are now moot and reconsideration and withdrawal of this objection is respectfully requested.

### *Specification*

The Examiner objected to the Abstract, in paragraph 2, for inclusion of legal phraseology. By way of the above amendment, the Abstract has been amended. Accordingly, the objection to the Abstract is now moot and reconsideration and withdrawal of this objection is respectfully requested.

### *35 USC §112*

The Examiner rejected claims 2, 5 and 10 under 35 USC §112, 1<sup>st</sup> paragraph, as failing to comply with the enablement requirement. Applicant traverses. Claims 2, 5 and 10 have been cancelled.

The Examiner rejected claims 14 and 20 under 35 USC §112, 2<sup>nd</sup> paragraph, as being indefinite. Applicant traverses. Claim 14 has been cancelled and claim 20 amended.

Accordingly, the rejection of claims 2, 5, 10, 14 and 20 are now moot and reconsideration and withdrawal of this objection is respectfully requested.

### *35 USC §102*

The Examiner rejected claims 1, 3, 4, 6-8, 13 and 14 under 35 USC §102(b) as being anticipated by Becker. Applicant traverses. The listed claims, but for claim 8 have been cancelled. Claim 8 now depends upon new independent claim 21. New claim 21 now discloses that the gear wheel and hub are joined by a material bond as well as the elastic

peak torque. These features are missing in Becker given that Beckers hub and gear wheel are not so joined, nor is Becker's intermediate element 44 in a position nor designed to absorb the instant peak torque. Rather, as disclosed in column 3, lines 36-43, Becker's intermediate element absorbs vibrations and reverse action force. The reverse action force of closing a window is fundamentally different from the torque encountered when engaging a locking mechanism. For example, the latter involves a shorter stronger burst of force than the former resulting in greater torque. Such is further evidenced by the interacting gear teeth and physical location of the intermediate element.

As Becker does not disclose every element of the claims, it is no longer available as a prior art reference under 35 USC §102(b) and accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

### ***35 USC §103***

The Examiner rejected claims 1, 3, 4, 6-9, 11-19 under 35 USC §103 as being unpatentable over DE 19839707 A1 in view of Becker. Applicant traverses. The listed claims, but for 8, 9 and 15-19 have been cancelled. The remaining claims now depend from new claim 21. New claim 21 discloses the above elements not disclosed in Becker. The German reference was relied upon for teachings but for a gear ring, hub and elastic member. To provide the missing teachings, the Examiner turned to Becker, which as indicated above, fails to disclose these elements. Accordingly, the combination of the German reference and Becker do not disclose the now claimed invention and reconsideration and withdrawal of this rejection is respectfully requested.

The Examiner rejected claim 20 as being unpatentable over DE 19839707 in view of Becker and further in view of Ginsberg. Applicant traverses. As indicated above, the combination of the German reference and Becker do not disclose the now claimed invention per new claim 21 from which claim 20 now depends. Ginsberg does not provide the missing teachings nor motivation to modify the combination teachings of the German reference and Becker to arrive at the limitations of claim 20. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.


### ***Conclusion***

In the event that the USPTO determines an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the

filing of this document to Deposit Account No.: 502464 referencing docket number 2001P80072WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted

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